



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

March 7, 2014

REPLY TO
ATTENTION OF:

Evaluation Section

SUBJECT: Permit Application – SWG-2013-00249

Texas Parks and Wildlife Department
Coastal Fisheries Division
1502 Pine Drive (FM 517)
Dickinson, Texas 77539

Gentlemen:

The above numbered permit has been approved and a signed copy is enclosed for your retention.

Also enclosed are ENG Form 4336, and a copy of "Notice to Permittee" which provides important information for permit administration. You should notify the District Engineer, in writing, upon completion of the authorized work. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in blue ink that reads "Kristi N. McMillan".

Kristi N. McMillan
Leader, Central Evaluation Unit

Enclosures

Copies Furnished w/encl:

Commander (dpb), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396 w/encl

Director, National Ocean Service, Coast & Geo. Sur., Mapping & Charting Branch, Source Data Unit, Attn: N/CG2211, Station 7317, SSMC3, 1315 East-West Highway, Silver Spring, Maryland 20910-3233

U.S. Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2750

DEPARTMENT OF THE ARMY PERMIT

Permittee Texas Parks and Wildlife Department

Permit No. SWG-2013-00249

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To create an artificial reef using a large vessel, greater than 200 feet. The new reef site's boundaries are 1,867-foot by 1,867-foot, is located at a depth of 135 feet, is greater than 2 nautical miles distance away from any safety fairway, will have at least 60-foot clearance over the structure, is more than 3 miles distance away from any existing reef site, is more than 1 nautical mile distance away from all known natural hard bottom areas, and will be at least 1,000 feet away from any active pipeline. The project will be conducted in accordance with the attached plans, in 2 sheets.

Project Location: The project site is located in the Outer Continental Shelf HI-A-424, approximately 58 nautical miles southwest of Galveston, in Galveston County, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Condition:

The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)
TEXAS PARKS AND WILDLIFE DEPARTMENT

3/7/14

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
**KRISTI N. MCMILLAN, LEADER
CENTRAL EVALUATION UNIT
FOR COLONEL RICHARD P. PANNELL**

7 March 2014

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE - Typed/Printed Name)

(DATE)

(TRANSFEREE - Signature)

(Mailing Address)

NOTICE TO PERMITTEES

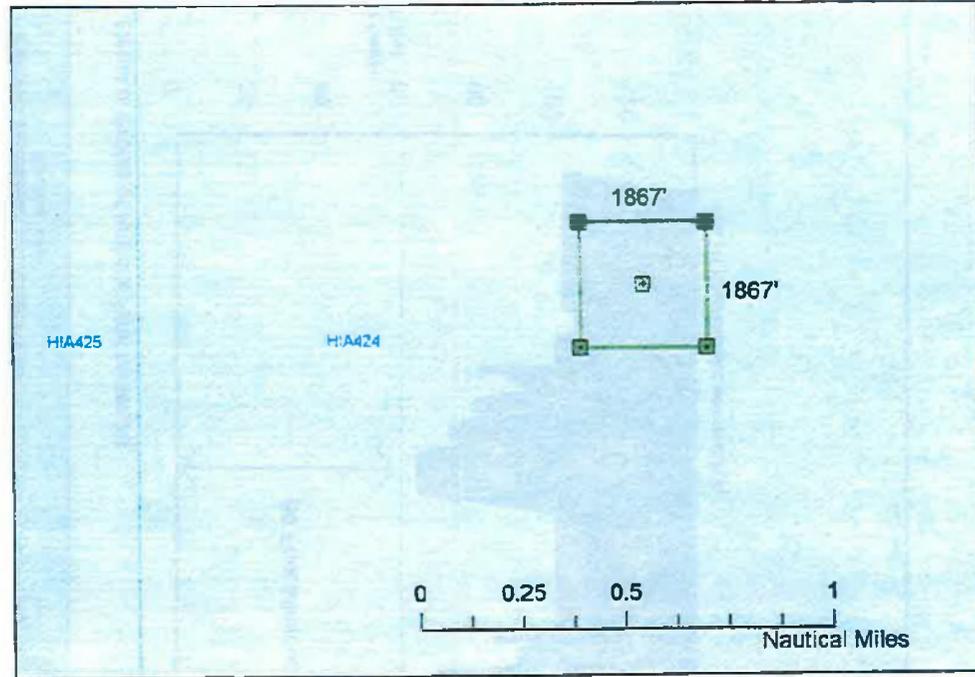
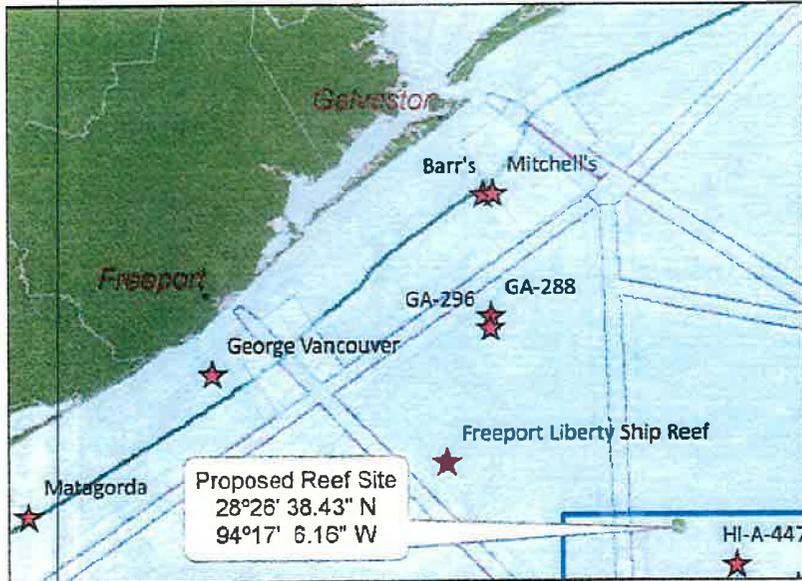
Department of the Army Permits for Work in Navigable Waters require attention to administration and policies which are often misunderstood or disregarded. To avoid possible misinterpretations and to expedite procedures, permit post-authorization requirements and pertinent information are outlined as follows:

1. Permits remain in effect until revoked, relinquished, or the structures are removed. An extension of time for completion of structures or work may be granted provided that a public notice is issued and that evidence is furnished of the bona fide intention of the permittee to complete the work within a reasonable time. If work or structures are not completed within the time provided in the permit, it is the permittee's responsibility to request an extension of time at least 4 months before the expiration date.
2. Maintenance of authorized completed structures may be done at any time without extending the completion period. It is, however, required that the District Commander be notified prior to commencement of maintenance.
3. SPECIAL REGULATIONS GOVERN MAINTENANCE WORK INVOLVING DREDGING OR FILL. This maintenance is not authorized by the original permit and specific prior approval is required before such work is commenced in navigable waters. Your request for authorization should be submitted in time for public notice requirements and coordination with other agencies.
4. If ownership of structures or work covered by a permit is transferred, the District Commander must be notified immediately. The notification will provide information so that permit responsibilities can be changed to the new owner or assignee.
5. Permittees are reminded that the Area Engineer must be notified as soon as possible of the time for commencement of construction or work, and immediately upon completion. If pipelines across Federal project channels are covered by the permit, the Area Engineer should be informed of the date the pipelines are to be placed in time for him to arrange for an inspector to be present.
6. All material changes in location or plans must be submitted promptly to the District Commander for approval before construction is begun.
7. Permits should not be considered as an approval of design features of any structure authorized or an implication that such structure is adequate for the purpose intended.

DISTRICT COMMANDER
GALVESTON DISTRICT
CORPS OF ENGINEERS

Proposed Ships-to-Reef Location - HI-A-424 - 80 acres

PERMITTED PLANS



Nearest Point to Point Distances:

- Distance Offshore: 57.6 Nautical Miles
- Safety Fairways: 5.89 Nautical Miles
- Oil and Gas Pipelines: 2.95 Nautical Miles
- State and Federal Boundary: 47.6 Nautical Miles
- Obstruction or Platforms: 9.69 Nautical Miles

	NAD 83 Latitude	NAD 83 Longitude	NAD 27 Latitude	NAD 27 Longitude	NAD 83 SPSC_X
Center	28°26' 38.43" N	94°17' 6.16" W	28°26' 37.50" N	94°17' 5.52" W	3483339.947
NW	28°26' 48.04" N	94°17' 16.18" W	28°26' 47.11" N	94°17' 15.54" W	3482406.537
NE	28°26' 47.29" N	94°16' 55.29" W	28°26' 46.36" N	94°16' 54.65" W	3484273.357
SE	28°26' 28.83" N	94°16' 56.13" W	28°26' 27.89" N	94°16' 55.49" W	3484273.357
SW	28°26' 29.57" N	94°17' 17.03" W	28°26' 28.64" N	94°17' 16.39" W	3482406.537

Texas Parks and Wildlife Department
 Artificial Reef Site
 Galveston County, Texas
 Gulf of Mexico
 SWG-2013-00249 P. 1 of 2

Geographic Coordinates (Degrees Minutes Seconds) and State Plane Texas South Central FIPS_4204 (feet) in NAD27 and NAD83.

TEXAS
PARKS &
WILDLIFE

Legend

- ★ TPWD ARP 66 Reef Sites
- HI-A-424
- Fairways
- 2 NM Fairway Buffer
- Anchorages
- Natural Banks
- TX State/Federal Line
- Reef Planning Zones



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

7 Mar 20 14

A permit to create an artificial reef using a large vessel.
at the Outer Continental Shelf HI-A-424 approx. 58 nautical miles SW of Gal.
has been issued to Texas Parks + Wildlife Dept. on 7 Mar 20 14
Address of Permittee 1502 Pine Drive (FM 517) Dickinson, Texas.

Permit Number

SWG-2013-00249

Kristi N. McMillan
for Kristi N. McMillan
Col. Richard P. Rannell
District Commander